

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

NATALIE JOHNSON,

Plaintiff,

ORDER

v.

19-cv-760-wmc

C.R. BARD INC. and
BARD PERIPHERAL VASCULAR INC.,

Defendants.

Before the court is the parties' request for ruling on objections to certain deposition designations as to Natalie Wong.

DEPON- ENT	PL AFFIRM	DEF OBJECTIONS	PL RESPONSE TO OBJECTIONS	COURT RULING
		Bard objects to Plaintiff's references to "Admitted in the Peterson case" as a basis for allowing a designation to played, or overruling an objection, and submits that the testimony should be consider based on the facts and applicable law and rulings in this case. The Peterson case involved a different filter, different claims, and was decided under different state law.		
Wong, Natalie 10/18/2016	8:10-8:12 beginning with "Will you..."		Admitted in Peterson	

Wong, Natalie 10/18/2016	10:03-10:06		Admitted in Peterson	
Wong, Natalie 10/18/2016	13:06-13:08		Admitted in Peterson	
Wong, Natalie 10/18/2016	17:10-17:12		Admitted in Peterson	
Wong, Natalie 10/18/2016	29:13-29:16 beginning with "what's the goal..."		Admitted in Peterson	
Wong, Natalie 10/18/2016	30:10-30:19 beginning with "Is..."		Admitted in Peterson	
Wong, Natalie 10/18/2016	31:04-31:11		Admitted in Peterson	
Wong, Natalie 10/18/2016	31:16-31:22 beginning with "When would you..."		Admitted in Peterson	
Wong, Natalie 10/18/2016	32:13-32:19 beginning with "why does Bard..."		Admitted in Peterson	
Wong, Natalie 10/18/2016	32:23-33:04		Admitted in Peterson	
Wong, Natalie 10/18/2016	33:07-33:20		Admitted in Peterson	

Wong, Natalie 10/18/2016	40:07-40:13		Admitted in Peterson	
Wong, Natalie 10/18/2016	43:14-44:01 beginning with "why is it..."		Admitted in Peterson	
Wong, Natalie 10/18/2016	44:05-44:25		Admitted in Peterson	
Wong, Natalie 10/18/2016	47:06-47:23 beginning with "when Bard's..."		Admitted in Peterson	
Wong, Natalie 10/18/2016	50:01-50:23 beginning with "that data..."		Admitted in Peterson	
Wong, Natalie 10/18/2016	52:10-52:18 beginning with "the adverse event..."		Admitted in Peterson	
Wong, Natalie 10/18/2016	58:11-58:14		Admitted in Peterson	
Wong, Natalie 10/18/2016	59:10-59:25		Admitted in Peterson	
Wong, Natalie 10/18/2016	102:10- 103:03	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect.	Admitted in Peterson All Bard filters are relevant to show the design defect of the Meridian and Bard's failure to warn the medical community of the dangers of their filters.	OVERRULED

Wong, Natalie 10/18/2016	103:09- 103:19	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect. Also, this violates the MDL Court's ruling on a motion for protective order finding that the hiring of the consultant and his report are protected work product.	Admitted in Peterson All Bard filters are relevant to show the design defect of the Meridian and Bard's failure to warn the medical community of the dangers of their filters. That is not what Judge Campbell's ruling said. Judge Campbell's ruling excluded very specific information and did not exclude the reference to Bard hiring consultants by name or otherwise. The order also did not exclude the information contained in the report because it can be found elsewhere such as the Dec 2004 HHE.	OVERRULED
Wong, Natalie 10/18/2016	104:19- 105:24	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect.	Admitted in Peterson All Bard filters are relevant to show the design defect of the Meridian and Bard's failure to warn the medical community of the dangers of their filters.	OVERRULED
Wong, Natalie 10/18/2016	109:24- 110:09	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect.	Admitted in Peterson All Bard filters are relevant to show the design defect of the Meridian and Bard's failure to warn the medical community of the dangers of their filters.	OVERRULED
Wong, Natalie 10/18/2016	110:14- 110:20 beginning with "it says..."	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect.	Admitted in Peterson All Bard filters are relevant to show the design defect of the Meridian and Bard's failure to warn the medical community of the dangers of their filters.	OVERRULED

Wong, Natalie 10/18/2016	112:13- 112:22	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect.	Admitted in Peterson All Bard filters are relevant to show the design defect of the Meridian and Bard's failure to warn the medical community of the dangers of their filters.	OVERRULED
Wong, Natalie 10/18/2016	114:10- 114:13 beginning with "is it consistent..."	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect.	Admitted in Peterson All Bard filters are relevant to show the design defect of the Meridian and Bard's failure to warn the medical community of the dangers of their filters.	OVERRULED
Wong, Natalie 10/18/2016	116:02- 116:11 beginning with "this is being..."	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect.	Admitted in Peterson All Bard filters are relevant to show the design defect of the Meridian and Bard's failure to warn the medical community of the dangers of their filters.	OVERRULED
Wong, Natalie 10/18/2016	120:04- 120:10 beginning with "was it ever..."	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect. Rules 401, 402, and 403 – testimony concerns what physician would have wanted to know / would expect a manufacturer to tell him/her.	Admitted in Peterson All Bard filters are relevant to show the design defect of the Meridian and Bard's failure to warn the medical community of the dangers of their filters. Ms. Wong's job is the development of products at Bard. An essential function of her job is know what the customers (physicians) want or need.	OVERRULED
Wong, Natalie 10/18/2016	122:09- 122:22	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value	Admitted in Peterson All Bard filters are relevant to show the design defect of the Meridian and Bard's failure to warn the medical	OVERRULED

		outweighed by prejudicial effect.	community of the dangers of their filters.	
Wong, Natalie 10/18/2016	123:01-123:12	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect.	Admitted in Peterson All Bard filters are relevant to show the design defect of the Meridian and Bard's failure to warn the medical community of the dangers of their filters.	OVERRULED
Wong, Natalie 10/18/2016	125:17-125:24	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect.	Admitted in Peterson All Bard filters are relevant to show the design defect of the Meridian and Bard's failure to warn the medical community of the dangers of their filters.	OVERRULED
Wong, Natalie 10/18/2016	126:03-126:24	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect. Rules 401, 402, and 403 – testimony concerns what physician would have wanted to know / would expect a manufacturer to tell him/her.	Admitted in Peterson All Bard filters are relevant to show the design defect of the Meridian and Bard's failure to warn the medical community of the dangers of their filters. Ms. Wong's job is the development of products at Bard. An essential function of her job is know what the customers (physicians) want or need.	OVERRULED
Wong, Natalie 10/18/2016	130:09-130:12	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect.	Admitted in Peterson All Bard filters are relevant to show the design defect of the Meridian and Bard's failure to warn the medical community of the dangers of their filters.	OVERRULED

Wong, Natalie 10/18/2016	130:17- 130:18	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect.	Admitted in Peterson All Bard filters are relevant to show the design defect of the Meridian and Bard's failure to warn the medical community of the dangers of their filters.	OVERRULED
Wong, Natalie 10/18/2016	131:19- 131:22 beginning with Based on this...	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect. Judge Campbell sustained this objection in the MDL. Dkt. 12590, page 4	Admitted in Peterson All Bard filters are relevant to show the design defect of the Meridian and Bard's failure to warn the medical community of the dangers of their filters. Bard has materially misrepresented the MDL Court's Order. The ruling on Ms. Wong's testimony is on page 8 of the Order and the MDL Court did not rule on testimony from page 131.	OVERRULED
Wong, Natalie 10/18/2016	141:17- 142:09	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect.	Admitted in Peterson All Bard filters are relevant to show the design defect of the Meridian and Bard's failure to warn the medical community of the dangers of their filters.	OVERRULED
Wong, Natalie 10/18/2016	142:17- 143:12 begin with look at)	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect.	Admitted in Peterson All Bard filters are relevant to show the design defect of the Meridian and Bard's failure to warn the medical community of the dangers of their filters.	OVERRULED
Wong, Natalie 10/18/2016	143:17- 143:22		Testimony admitted at Bard's request in Peterson	

Wong, Natalie 10/18/2016	145:19- 146:04	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect.	Admitted in Peterson All Bard filters are relevant to show the design defect of the Meridian and Bard's failure to warn the medical community of the dangers of their filters.	OVERRULED
Wong, Natalie 10/18/2016	146:08- 146:20	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect.	Admitted in Peterson All Bard filters are relevant to show the design defect of the Meridian and Bard's failure to warn the medical community of the dangers of their filters.	OVERRULED
Wong, Natalie 10/18/2016	146:22- 146:23	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect.	Admitted in Peterson All Bard filters are relevant to show the design defect of the Meridian and Bard's failure to warn the medical community of the dangers of their filters.	OVERRULED
Wong, Natalie 10/18/2016	148:06- 148:10	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect.	Admitted in Peterson All Bard filters are relevant to show the design defect of the Meridian and Bard's failure to warn the medical community of the dangers of their filters.	OVERRULED
Wong, Natalie 10/18/2016	148:12	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect.	Admitted in Peterson All Bard filters are relevant to show the design defect of the Meridian and Bard's failure to warn the medical community of the dangers of their filters. There is a claim of migration in this case.	OVERRULED

Wong, Natalie 10/18/2016	150:11- 150:24	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect.	Admitted in Peterson All Bard filters are relevant to show the design defect of the Meridian and Bard's failure to warn the medical community of the dangers of their filters.	OVERRULED
Wong, Natalie 10/18/2016	151:19- 152:17	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect.	Admitted in Peterson All Bard filters are relevant to show the design defect of the Meridian and Bard's failure to warn the medical community of the dangers of their filters. There is a claim of migration in this case.	OVERRULED
Wong, Natalie 10/18/2016	152:19- 153:02	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect.	Admitted in Peterson All Bard filters are relevant to show the design defect of the Meridian and Bard's failure to warn the medical community of the dangers of their filters.	OVERRULED
Wong, Natalie 10/18/2016	153:10- 153:17 begin with And	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect.	Admitted in Peterson All Bard filters are relevant to show the design defect of the Meridian and Bard's failure to warn the medical community of the dangers of their filters.	OVERRULED
Wong, Natalie 10/18/2016	154:08- 154:18	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect.	Admitted in Peterson All Bard filters are relevant to show the design defect of the Meridian and Bard's failure to warn the medical community of the dangers of their filters. There is a claim of migration in this case.	OVERRULED

Wong, Natalie 10/18/2016	154:25- 155:14	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect. Rules 401, 402, and 403 – testimony concerns what physician would have wanted to know / would expect a manufacturer to tell him/her.	Admitted in Peterson All Bard filters are relevant to show the design defect of the Meridian and Bard's failure to warn the medical community of the dangers of their filters. Ms. Wong's job is the depoment of products at Bard. An essential function of her job is know what the customers (physicians) want or need.	OVERRULED
Wong, Natalie 10/18/2016	155:20- 155:25	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect	Admitted in Peterson All Bard filters are relevant to show the design defect of the Meridian and Bard's failure to warn the medical community of the dangers of their filters. There is a claim of migration in this case.	OVERRULED
Wong, Natalie 10/18/2016	157:06- 157:15	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect.	Admitted in Peterson All Bard filters are relevant to show the design defect of the Meridian and Bard's failure to warn the medical community of the dangers of their filters. There is a claim of migration in this case.	OVERRULED
Wong, Natalie 10/18/2016	157:22- 159:04	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect.	Admitted in Peterson All Bard filters are relevant to show the design defect of the Meridian and Bard's failure to warn the medical community of the dangers of their filters.	OVERRULED except STRIKE lines 158:20- 158:25.
Wong, Natalie 10/18/2016	170:06- 170:23	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at	Admitted in Peterson All Bard filters are relevant to show the design defect of the Meridian and Bard's	OVERRULED

		issue; Irrelevant and any probative value outweighed by prejudicial effect.	failure to warn the medical community of the dangers of their filters.	
Wong, Natalie 10/18/2016	171:07-171:22	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect.	Admitted in Peterson All Bard filters are relevant to show the design defect of the Meridian and Bard's failure to warn the medical community of the dangers of their filters.	OVERRULED
Wong, Natalie 10/18/2016	172:06-172:21	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect.	Admitted in Peterson All Bard filters are relevant to show the design defect of the Meridian and Bard's failure to warn the medical community of the dangers of their filters. There is a claim of migration in this case.	OVERRULED
Wong, Natalie 10/18/2016	175:15-175:25	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect.	Admitted in Peterson All Bard filters are relevant to show the design defect of the Meridian and Bard's failure to warn the medical community of the dangers of their filters.	OVERRULED
Wong, Natalie 10/18/2016	182:18-183:14	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect.	Admitted in Peterson All Bard filters are relevant to show the design defect of the Meridian and Bard's failure to warn the medical community of the dangers of their filters.	OVERRULED
Wong, Natalie 10/18/2016	187:20:188:04	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value	Admitted in Peterson All Bard filters are relevant to show the design defect of the Meridian and Bard's failure to warn the medical	OVERRULED

		outweighed by prejudicial effect.	community of the dangers of their filters.	
Wong, Natalie 10/18/2016	213:13-214:10	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect.	Admitted in Peterson All Bard filters are relevant to show the design defect of the Meridian and Bard's failure to warn the medical community of the dangers of their filters.	OVERRULED
Wong, Natalie 10/18/2016	265:09-265:18 End at "reporting"	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect. This case does not involve a fatal migration or a Recovery Filter. This testimony is overly prejudicial and has no bearing on the facts of this case. The Court has ruled this testimony is not substantially similar to the facts in this case and, therefore, should be excluded. (See ECF No. 204, p. 3-5.)	Admitted in Peterson All Bard filters are relevant to show the design defect of the Meridian, Bard's negligence and the failure to warn. The Plaintiff will redact "their deaths" as indicated.	OVERRULED
Wong, Natalie 10/18/2016	265:19-265:21	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect. This case does not involve a fatal migration or a Recovery Filter. This testimony is overly prejudicial and has no bearing on the facts of	Admitted in Peterson All Bard filters are relevant to show the design defect of the Meridian, Bard's negligence and the failure to warn. The Plaintiff will redact "their deaths" as indicated.	SUSTAIN as to "the deaths" referenced on 265:18. Otherwise OVERRULED

		this case. The Court has ruled this testimony is not substantially similar to the facts in this case and, therefore, should be excluded. (See ECF No. 204, p. 3-5.)		
Wong, Natalie 10/18/2016	273:20	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect.	Admitted in Peterson All Bard filters are relevant to show the design defect of the Meridian and Bard's failure to warn the medical community of the dangers of their filters.	OVERRULED
Wong, Natalie 10/18/2016	273:24- 274:01 beginning with It's a memorandu m...	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect.	Admitted in Peterson All Bard filters are relevant to show the design defect of the Meridian and Bard's failure to warn the medical community of the dangers of their filters.	OVERRULED
Wong, Natalie 10/18/2016	274:20- 274:23	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect.	Admitted in Peterson All Bard filters are relevant to show the design defect of the Meridian and Bard's failure to warn the medical community of the dangers of their filters.	OVERRULED
Wong, Natalie 10/18/2016	276:23- 277:01	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect.	Admitted in Peterson All Bard filters are relevant to show the design defect of the Meridian and Bard's failure to warn the medical community of the dangers of their filters.	OVERRULED
Wong, Natalie 10/18/2016	277:04- 277:16	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at	Admitted in Peterson All Bard filters are relevant to show the design defect of the Meridian and Bard's	OVERRULED

		issue; Irrelevant and any probative value outweighed by prejudicial effect.	failure to warn the medical community of the dangers of their filters.	
Wong, Natalie 10/18/2016	278:18-278:23 beginning with And then...	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect. Rules 401, 402, and 403 – testimony concerns what physician would have wanted to know / would expect a manufacturer to tell him/her.	Admitted in Peterson All Bard filters are relevant to show the design defect of the Meridian and Bard's failure to warn the medical community of the dangers of their filters. Ms. Wong's job is the development of products at Bard. An essential function of her job is know what the customers (physicians) want or need.	OVERRULED
Wong, Natalie 10/18/2016	278:25	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect. Rules 401, 402, and 403 – testimony concerns what physician would have wanted to know / would expect a manufacturer to tell him/her.	Admitted in Peterson All Bard filters are relevant to show the design defect of the Meridian and Bard's failure to warn the medical community of the dangers of their filters. Ms. Wong's job is the development of products at Bard. An essential function of her job is know what the customers (physicians) want or need.	OVERRULED
Wong, Natalie 10/18/2016	279:03-279:14	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect. Rules 401, 402, and 403 – testimony concerns what physician would have wanted to know / would expect a	Admitted in Peterson All Bard filters are relevant to show the design defect of the Meridian and Bard's failure to warn the medical community of the dangers of their filters. Ms. Wong's job is the development of products at Bard. An essential function of her job is know what the customers (physicians) want or need.	OVERRULED

		manufacturer to tell him/her.		
Wong, Natalie 10/18/2016	283:12	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect.	Admitted in Peterson All Bard filters are relevant to show the design defect of the Meridian and Bard's failure to warn the medical community of the dangers of their filters.	OVERRULED
Wong, Natalie 10/18/2016	283:19- 283:22	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect.	Admitted in Peterson All Bard filters are relevant to show the design defect of the Meridian and Bard's failure to warn the medical community of the dangers of their filters.	OVERRULED
Wong, Natalie 10/18/2016	284:06- 284:12	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect.	Admitted in Peterson All Bard filters are relevant to show the design defect of the Meridian and Bard's failure to warn the medical community of the dangers of their filters.	OVERRULED
Wong, Natalie 10/18/2016	284:18- 285:08	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect.	Admitted in Peterson All Bard filters are relevant to show the design defect of the Meridian and Bard's failure to warn the medical community of the dangers of their filters.	OVERRULED
Wong, Natalie 10/18/2016	285:13- 286:03 Starting at "this"	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value	Admitted in Peterson All Bard filters are relevant to show the design defect of the Meridian and Bard's failure to warn the medical community of the dangers of their filters.	OVERRULED

		outweighed by prejudicial effect.		
Wong, Natalie 10/18/2016	286:12-286:23	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect.	Admitted in Peterson All Bard filters are relevant to show the design defect of the Meridian and Bard's failure to warn the medical community of the dangers of their filters.	OVERRULED
Wong, Natalie 10/18/2016	287:20-288:01	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect.	Admitted in Peterson All Bard filters are relevant to show the design defect of the Meridian and Bard's failure to warn the medical community of the dangers of their filters.	OVERRULED
Wong, Natalie 10/18/2016	288:09-288:12	Rules 401, 402, 403. Testimony does not involve filter at issue and/or failure modes at issue; Irrelevant and any probative value outweighed by prejudicial effect.	Admitted in Peterson All Bard filters are relevant to show the design defect of the Meridian and Bard's failure to warn the medical community of the dangers of their filters.	OVERRULED
Wong, Natalie 10/18/2016	288:15-288:24 beginning with "are you the.."	(288:19 - 288:24) Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial effect.	Admitted in Peterson All Bard filters are relevant to show the design defect of the Meridian and Bard's failure to warn the medical community of the dangers of their filters.	OVERRULED
Wong, Natalie 10/18/2016	289:21-289:23	Rules 401, 402, 403 – Testimony does not involve filter at issue and/or failure mode at issue; Irrelevant and any probative value outweighed by prejudicial	Admitted in Peterson All Bard filters are relevant to show the design defect of the Meridian and Bard's failure to warn the medical community of the dangers of their filters. Defendants	SUSTAIN as cumulative

		effect. Rule 611, cumulative testimony. Judge Campbell sustained cumulative. Doc 10403, p.4 A.55-56.	have not identified to what testimony this designation is cumulative.	
DEPONENT	DEF COUNTER	PL OBJECTIONS	DEF RESPONSE TO OBJECTIONS	COURT RULING
Wong, Natalie 10/18/2016	13:09-13:24 For Completeness	FRE 106 only requires completeness that "in fairness ought to be considered at the same time". Defendants have not demonstrated why this testimony, in the name of fairness, must be considered at the same time as Plaintiff's designation.	This testimony is necessary to provide a complete picture of the witness' background, place Plaintiff's selective designation of lines of questioning in proper context, and/or demonstrate the Plaintiff is attempting to elicit testimony from a witness about a subject or document with which that witness has no or limited personal knowledge.	OVERRULED
Wong, Natalie 10/18/2016	18:01-18:03 For Completeness	FRE 106 only requires completeness that "in fairness ought to be considered at the same time". Defendants have not demonstrated why this testimony, in the name of fairness, must be considered at the same time as Plaintiff's designation.	This testimony is necessary to provide a complete picture of the witness' background, place Plaintiff's selective designation of lines of questioning in proper context, and/or demonstrate the Plaintiff is attempting to elicit testimony from a witness about a subject or document with which that witness has no or limited personal knowledge.	OVERRULED
Wong, Natalie 10/18/2016	31:12-31:15 For Completeness	FRE 106 only requires completeness that "in fairness ought to be considered at the same time". Defendants have not demonstrated why this testimony, in the name of fairness, must be considered at the same	This testimony is necessary to provide a complete picture of the witness' background, place Plaintiff's selective designation of lines of questioning in proper context, and/or demonstrate the Plaintiff is attempting to elicit testimony from a	OVERRULED

		time as Plaintiff's designation.	witness about a subject or document with which that witness has no or limited personal knowledge.	
Wong, Natalie 10/18/2016	40:14-40:16 For Completeness	FRE 106 only requires completeness that "in fairness ought to be considered at the same time". Defendants have not demonstrated why this testimony, in the name of fairness, must be considered at the same time as Plaintiff's designation.	This testimony is necessary to provide a complete picture of the witness' background, place Plaintiff's selective designation of lines of questioning in proper context, and/or demonstrate the Plaintiff is attempting to elicit testimony from a witness about a subject or document with which that witness has no or limited personal knowledge.	OVERRULED
Wong, Natalie 10/18/2016	44:01-44:13 For Completeness	44:02-44:04 - Defendants are attempting to designate a partial question that was clearly struck by the offering attorney and a self-deprecating sidebar that has no relation to this case. FRE 106 only requires completeness that "in fairness ought to be considered at the same time". Defendants have not demonstrated why this testimony, in the name of fairness, must be considered at the same time as Plaintiff's designation.	44:02-44:04 was designated in error, and Bard will withdraw it. The remainder of the testimony is necessary to place Plaintiff's selective designation of lines of questioning in proper context, and/or demonstrate the Plaintiff is attempting to elicit testimony from a witness about a subject or document with which that witness has no or limited personal knowledge.	SUSTAIN as to 44:02-44:04, which is to be excluded. MOOT as to remainder, which is included in plaintiff's designation.
Wong, Natalie 10/18/2016	58:15-59:01 For Completeness	FRE 106 only requires completeness that "in fairness ought to be considered at the same time". Defendants have not demonstrated why this testimony, in the name of fairness, must be considered at the same	This testimony is necessary to provide a complete picture of the witness' background, place Plaintiff's selective designation of lines of questioning in proper context, and/or demonstrate the Plaintiff is attempting to elicit testimony from a	OVERRULED

		time as Plaintiff's designation.	witness about a subject or document with which that witness has no or limited personal knowledge.	
Wong, Natalie 10/18/2016	143:17-143:22 For Completeness	FRE 106 only requires completeness that "in fairness ought to be considered at the same time". Defendants have not demonstrated why this testimony, in the name of fairness, must be considered at the same time as Plaintiff's designation.	This testimony is necessary to provide a complete picture of the witness' background, place Plaintiff's selective designation of lines of questioning in proper context, and/or demonstrate the Plaintiff is attempting to elicit testimony from a witness about a subject or document with which that witness has no or limited personal knowledge.	OVERRULED
Wong, Natalie 10/18/2016	147:05-147:09 For completeness subject to objection	Non-responsive answer. The answer was unrelated to the question asked. FRE 106 only requires completeness that "in fairness ought to be considered at the same time". Defendants have not demonstrated why this testimony, in the name of fairness, must be considered at the same time as Plaintiff's designation.	The answer was related to the question asked, and goes to the reality that comparisons of complication rates between permanent filters and retrievable filters are impossible due to the inherent differences between those two devices and their uses. This testimony is necessary to provide a complete picture of the witness' background, place Plaintiff's selective designation of lines of questioning in proper context.	OVERRULED
Wong, Natalie 10/18/2016	163:23-164:01 start at "it"	-	-	-
Wong, Natalie 10/18/2016	164:06-164:07 stop at first instance of "don't"	-	-	-

Wong, Natalie 10/18/2016	164:07- 164:08 starting at "if"	-	-	-
Wong, Natalie 10/18/2016	164:19- 164:23			
Wong, Natalie 10/18/2016	168:22- 168:24			
Wong, Natalie 10/18/2016	169:01			
Wong, Natalie 10/18/2016	173:01- 173:07 For Completeness	Non-responsive answer. The answer was unrelated to the question asked. FRE 106 only requires completeness that "in fairness ought to be considered at the same time". Defendants have not demonstrated why this testimony, in the name of fairness, must be considered at the same time as Plaintiff's designation.	The answer was related to the question asked. Plaintiff's counsel and the witness were discussing a document and the witness is responding to the question in the context of that document. This testimony is necessary to provide a complete picture of the witness' background, place Plaintiff's selective designation of lines of questioning in proper context.	OVERRULED
Wong, Natalie 10/18/2016	177:15- 177:16 For Completeness	Non-responsive answer. The answer was unrelated to the question asked. FRE 106 only requires completeness that "in fairness ought to be considered at the same time". Defendants have not demonstrated why this testimony, in the name of fairness, must be considered at the same	The answer is related to the question. As frequently occurs in depositions in this litigation, Plaintiff was attempting to read a document to the witness and have her validate his reading of the document. This testimony is necessary to show that the preceding designations by Plaintiff, should they survive Bard's objections, consist of Plaintiff's counsel	SUSTAIN

		time as Plaintiff's designation.	questioning the witness about matters about which she is unfamiliar.	
Wong, Natalie 10/18/2016	177:18-177:19 For Completeness	Non-responsive answer. The answer was unrelated to the question asked. FRE 106 only requires completeness that "in fairness ought to be considered at the same time". Defendants have not demonstrated why this testimony, in the name of fairness, must be considered at the same time as Plaintiff's designation.	The answer is related to the question. As frequently occurs in depositions in this litigation, Plaintiff was attempting to read a document to the witness and have her validate his reading of the document. This testimony is necessary to show that the preceding designations by Plaintiff, should they survive Bard's objections, consist of Plaintiff's counsel questioning the witness about matters about which she is unfamiliar.	SUSTAIN

Accordingly, IT IS ORDERED that the parties' request for rulings on objections to certain designations is GRANTED, and the objections are sustained in part and overruled in part as provided above.

Entered this 5th day of June, 2021.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge